nant for title by one having neither possession of, nor title to, the land conveyed is a personal covenant and will not run with the land. *Martin* v. *Gordon,* 24 Ga. 533; *Randolph* v. *Kinney,* 3 Rand. (Va.) 394; *Mygatt* v. *Coe,* 124 N. Y. 212, 142 N. Y. 78, 147 N. Y. 456, 152 N. Y. 457; *Pyle* v. *Gross,* 92 Md. 132; *Bull* v. *Beiseker,* 16 N. D. 290; *Wallace* v. *Pereles,* 109 Wis. 316. Contra are *Solberg* v. *Robinson,* 34 So. Dak. 55; *Wead* v. *Larkin,* 54 Ill. 489; and *Tellotson* v. *Prichard,* 60 Vt. 94. In the later two cases the grantees went into possession, and they might be distinguished on this point. Other courts achieve the same result on the theory that the broken covenant ripens into a chose in action in favor of the covenantee which would pass by assignment with the land to remote grantees. *Kimball* v. *Bryant,* 25 Minn. 496; *Iowa Loan & Trust Co.* v. *Fullen,* 114 Mo. App. 633.

DAMAGES—FOR MENTAL SUFFERING ALONE.—Plaintiff delivered to defendant company for transportation from Asheville, N. C., to Hickory Grove, S. C., a casket and grave-clothes intended for the burial of the wife of plaintiff. Through the negligence of defendant's agent, the casket was misrouted, and arrived too late to be used for the burial. Plaintiff accepted full payment for the value of the articles shipped, and brought this action claiming damages solely on account of the mental anguish occasioned him by the delay. *Held,* that no recovery should be allowed; mere mental pain and anxiety being too vague for legal redress where no injury is done to person, property, health or reputation. *Southern Express Co.* v. *Byers,* 36 Sup. Ct. 410.

This decision of the Supreme Court follows the view taken by the lower Federal courts in a long list of cases cited in the opinion. Thus the doctrine announced by the Supreme Court of Texas in 1881 in the case of *So Relle* v. *Western Union Tel. Co.,* 55 Tex. 308, is definitely rejected by the United States Courts. The question of whether recovery may be had for mental suffering alone has usually arisen in cases against telegraph companies on account of delayed or lost death-messages. The same reasoning which allows recovery in those cases would seem equally applicable, however, to a common carrier of goods who accepts the goods with notice of their character, so that the knowledge that mental suffering may follow from their delay may be imputed to it. For a time the doctrine of the Texas case gained adherents rapidly, and seven states are now lined up on that side of the question. As against this number, however, fifteen states, and now the Supreme Court of the United States, have taken the opposite view. A recent case which reviews many of the cases on the question is that of *Western U. Tel. Co.* v. *Choteau,* 28 Okla. 664, 115 Pac. 879, 49 L. R. A. (N. S.) 206, cited in the opinion in the principal case. For further discussion and authority as to damages for mental suffering see MICH. LAW REV., Vol. 2, pp. 150, 421, 641, 642; Vol. 3, pp. 74, 399; Vol. 4, p. 244; Vol. 5, pp. 208, 382; Vol. 6, pp. 341, 503, 592; Vol. 7, p. 673; Vol. 10, p. 328; Vol. 12, p. 149.

DEEDS—REMEDY FOR VIOLATION OF RESTRAINT ON ALIENATION.—A conveyed property to B with the condition that B should not alienate the property during A's lifetime. B disposed of the property before A's death. After B's death, the heirs at law of B sought to obtain a cancellation of the deed exe-

cuted by B since it violated the condition in A's deed to B. *Held* that the heirs of B were not the proper persons to complain of such violation. *Kentland Coal & Coke Co.* v. *Keene,* (Ky. 1916) 183 S. W. 247.

It is assumed here that the condition in restraint of alienation for the life of the testator is good. Such a restraint, however, is generally held to be void. See 14 MICH. L. REV. 353. The court in the principal case based its decision upon the well-established rule that when a breach or non-performance of a condition annexed to the grant of a freehold estate occurs, the title conveyed is not void but is only voidable by the act of the grantor or his heirs. Such a question may arise in three ways. First, when the grantor by his deed imposes a condition subsequent and attempts to pass the right of entry to someone else by the same deed, it is the established rule that, though this is void as a condition, the court will give it effect as a conditional limitation and the gift over will take effect as an executory devise or a springing use. See *Newis* v. *Lark and Hunt,* 2 Plowd. Com. 403. But in view of the recent statutes allowing assignments of choses in action and providing that suits shall be brought in the name of the real party in interest, such assignments of the right of entry have been sustained in several states. See *Bouvier* v. *Ry. Co.,* 67 N. J. L. 281, 60 L. R. A. 750. Second, when the grantor by a subsequent instrument attempts to devise or grant this right of entry, it is held void at the common law, whether made before or after breach. See *Upington* v. *Corrigan,* 79 Hun. (N. Y.) 488, 37 L. R. A. 794; and *Trustees, etc.* v. *Venable,* 159 Ill. 215, 50 Am. St. Rep. 159. Third, when the grantor makes no attempt to transfer his right of entry, the universal rule is that the grantor and his heirs are the only ones entitled to a right of entry. See *Lewis* v. *Lewis,* 74 Conn. 632; *Board of Education, etc.* v. *Trustees, etc.,* 63 Ill. 204; *Osgood* v. *Abbott,* 58 Me. 73; *Mo. Hist. Society* v. *Academy of Science,* 94 Mo. 459; and *Phelps* v. *Chesson,* 34 N. C. 194. Dictum to this effect is found in *Adams* v. *Ore Knob Cooper Co.,* 4 Hughes 589. Only two cases have been found which question this doctrine: *Frazier* v. *Combs,* 140 Ky. 77; and *Pond Creek Coal Co.* v. *Runyan,* 161 Ky. 64. These two cases are expressly overruled by the principal case, so that the doctrine announced therein stands unquestioned.

FALSE IMPRISONMENT—DETENTION IN MINE.—Plaintiff contracted to work in defendant's coal mine for seven hours at a time. Defendant lowered the plaintiff, by means of an elevator, to the level where he was to work. Plaintiff, after working for about two hours, decided to work no longer and requested defendant's servant to raise him, by means of the elevator, to the surface. This, defendant's servant refused to do until seven hours after plaintiff had started work. Plaintiff sued defendant for false imprisonment. *Held* that defendant was under no legal obligation to convey plaintiff to the surface until the end of this seven hour period, and hence plaintiff had failed to make out a cause of action. *Herd* v. *Weardale Steel Coal & Coke Co. and others,* 84 L. J. K. B. 121.

The court in this case was of the opinion that since plaintiff had contracted to remain in defendant's mine for seven hours, the defendant was under no